

MCKEAN TOWNSHIP

ZONING RESOLUTION

Effective - November 12, 1975

Last Amendment Effective Date -

July 25, 1987

July 5, 1990

December 21, 1991

December 9, 1992

February 6, 1996

January 30, 1997

July 8, 1998

January 10, 2002

December 16, 2002

July 25, 2003

August 12, 2004

AMENDMENTS TO DATE

Amendment dates are 30 days after hearing date.

July 12, 2004

- Article 4 Definitions to add kennels, commercial & non-commercial.
- Article 5.20 Include semi-trailers within the meaning of Junk Motor Vehicles.
- Article 5.20A Changed from 10 feet to 20 feet
- Article 8.2 Add kennels/Conditional Use in AG District
- Article 16.11 Parking and Storage of Vehicles

July 25, 2003

- Article 9 Changed from R-1 to R
- Article 10 Deleted
- Article 11 Section 11.3 Required Yard Size

December 10, 2001

- Article 5.13 Setbacks for accessory buildings
- Article 5.21 Driveway specs
- Article 8.3 Required lot area and road frontage
- Article 8.5 Minimum yard spacing

September 14, 1998

- On September 14, 1998, the McKean Township Trustees adopted a resolution, which renumbered some articles, but which made no substantive changes. This renumbering was necessary due to the adoption of the RPO.

July 8, 1998

- Article 11 Rural Preservation Overlay District

January 30, 1997

- R-1 & R-2 One acre to 1.6 acres
- AG, R-1 & R-2 1300 sq. ft. minimum for home (was 1050 sq. ft.)
- Article 25.8 10 days notice (was 15)
- Article 5.21 Separate driveways

February 6, 1996

- Article 5.20A Driveway specs

December 9, 1992

- Article 8 5 acre and 250 feet of road frontage
- Article 24.2 3 board members make a quorum

December 21, 1991

- Article 5.10 Mobile homes out of AG

July 9, 1990

- Article 5.20 Junk Motor Vehicles

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ARTICLE 1: PURPOSE AND SCOPE

PREAMBLE: This resolution is enacted for the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land, and to facilitate adequate and economical provisions for public improvements, all in accordance with a comprehensive plan for the desirable future development of McKean Township, and to provide a method of administration and to prescribe penalties for violation of provisions hereafter described--all as authorized by the Ohio Revised Code.

ARTICLE 2: TITLE

MCKEAN TOWNSHIP, LICKING COUNTY, OHIO, ZONING RESOLUTION:

This resolution shall be known and may be cited and referred to as the "McKean Township, Ohio, Zoning Resolution."

ARTICLE 3: INTERPRETATION OF STANDARDS

REQUIREMENTS AS MINIMUM:

In their interpretation and application, the provisions of this resolution shall be held to be minimum requirements. Wherever this resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of this resolution shall govern.

ARTICLE 4: DEFINITIONS

Interpretation: For the purpose of this resolution certain terms or words used herein shall be interpreted as follows:

All words used in the present tense include the future tense. All words in the singular include plural and all words in the plural include the singular. The word "shall" is mandatory and directory. The word "used," shall be deemed to include "designed, intended, or arranged to be used."

Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.

Agriculture: The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, vita culture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce, provided, however that:

1. The operation of any such accessory uses shall be secondary to that of normal agricultural activities.
2. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feed yard.

Airport: Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

Alley: See Thoroughfare.

Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Apartment House: See Dwelling, Multi-Family.

Automotive or Trailer Sales Area: An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

Automobile Wrecking: The dismantling or disassembly of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Basement: A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

Beginning of Construction: The incorporation of labor and material within the walls of the building or buildings, the incorporation of labor and materials at the site, lot or parcel where a building is to be constructed, the incorporation of labor and material where land is to be used for purposes other than construction of a building.

Board: The Board of Zoning Appeals of the township.

Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Building, Accessory: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Building Line: See Setback Line.

Building Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Cemetery: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.

Clinic: A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are provided with board or room or kept overnight on the premises.

Club: A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

Commission: The Township Zoning Commission.

Conditional Use: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Official Schedule of District Regulations.

Conditional Use Permit: A permit issued by the zoning inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

Density: A unit of measurement; the number of dwelling units per acre of land.

1. **Gross Density:** The number of dwelling units per acre of the total land to be developed.
2. **Net Density:** The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Display Sign: A structure that is arranged, intended, or designed, or used for advertisement, announcement, or direction, including a sign, sign screen, billboard, and advertising device of any kind.

District: A portion of the territory of the township which certain uniform regulations, and requirements, or various combinations thereof apply.

Dwelling: Any building or structure (except a house trailer or mobile home as defined by Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

Dwelling, Industrialized Unit: An assembly of materials or products comprising all or part of a total structure, which when constructed, is self-sufficient or substantially self-sufficient, and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a mobile home.

Dwelling, Multi-Family: A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

Dwelling, Rooming House (Boarding House, Lodging House, Dormitory): A dwelling, or part thereof, other than a hotel, motel, or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

Dwelling, Single-Family: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

Dwelling, Two-Family: A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

Dwelling Unit: Space within a dwelling comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

Easement: Authorization by a property owner for the use by another, and for a specified purpose of any designated part of his property.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground gas, electrical, steam or water transmission, distribution systems, collection, communication, supply or disposal systems, or sites including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities, or municipal, or other governmental agencies, or for the public health, or safety, or general welfare; but not including buildings.

Flood Plain: That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

Flood, Regional: Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the 100-year recurrence interval flood.

Floodway: That portion of the flood plain, including the channel, which is reasonably required to convey the regional floodwaters. Floods of less frequent recurrence are usually contained completely within the floodway.

Floodway Fringe: That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

Floor Area of a Non-Residential Building (To be Used in Calculating Parking Requirements: The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts, rooms, storage spaces, display windows, and fitting rooms, and similar areas.

Floor Area of a Residential Building: The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces or walls.

Floor Area, Usable: Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Food Processing: The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

Garages, Private: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers, and/or boats of the occupants of the premises and wherein:

1. Not more than one space is rented for parking to person not resident on the premises.
2. No more than one commercial vehicle per dwelling unit is parked or stored.
3. The commercial vehicle permitted does not exceed two tons capacity.

Garage, Public: A principal or accessory building, other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

Garage, Service Station: Buildings and premises where gasoline, oil, grease, batteries, tires, and motor

vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries, and distributor parts.
2. Tire servicing and repair, but not recapping or re-grooving.
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like.
4. Radiator cleaning and flushing.
5. Washing, polishing, and sale of washing and polishing materials.
6. Greasing and lubrication.
7. Providing and repairing fuel pumps, oil pumps, and lines.
8. Minor servicing and repair of carburetors.
9. Adjusting and repairing brakes.
10. Minor motor adjustment not involving removal of the head or crankcase or racing the motor.
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principle operations.
12. Provisions of road maps and other informational material to customers, provision of restroom facilities.
13. Warranty maintenance and safety inspections.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operational condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage or a body shop.

Home Occupation: An occupation conducted in a dwelling unit, provided that:

1. No more than one person other than members of the family residing on the premises shall be engaged in such occupation.
2. The use of a dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of floor area of the dwelling unit shall be used in the conduct of the home occupation. An accessory building may be used for the home occupation in an AG District. The Accessory building shall not exceed 1,200 square feet in floor space and meet all other regulations for home occupations or accessory buildings. Home occupation should remain a conditional use.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building; and/or accessory building.
4. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this resolution, and shall not be located in a required front yard.
5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family resident, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Hotel, Motel, and Apartment Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

Institution: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

Junk Buildings, Junk Shops, Junk Yards: Any land, property, structure, building, or combination of the same, on which junk is stored or processed.

Kennel, Agriculture: Any building structure, including the surrounding fenced land, used by a person, partnership, firm, company, or corporation professionally engaged primarily in the business of breeding dogs for hunting or for sale. There shall be no boarding, training, housing, or grooming services provided to the general public. These services may only be provided for those animals involved in the breeding business.

Kennel, Commercial: Any building or structure, including the surrounding fenced land, used for the care and board of five or more domesticated dogs or cats more than four months of age which is open to the public for let, hire, board, training, housing, grooming, or other use on a commercial basis and for compensation.

Loading Space, Off-Street: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Lot: For the purposes of this resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or on an approved private street, and may consist of:

1. A single lot of record.
2. A portion of a lot of record.
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

Lot Coverage: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

Lot Measurements: A lot shall be measured as follows:

1. Depth: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. Width: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

Lot, Minimum Area of: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

Lot of Record: A lot, which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes, and bounds, the description of which has been so recorded.

Lot Types: Terminology used in this resolution with reference to corner lots, interior lots, and through lots is as follows:

1. Corner Lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
2. Interior Lot: A lot with only one frontage on a street.
3. Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

4. Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Maintenance and Storage Facilities: Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

Manufacturing, Light: Manufacturing or other industrial uses which are usually controlled operations, relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust, operating and storing within enclosed structures, and generating little industrial traffic and no nuisances.

Mobile Home: Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of 4,500 pounds and an overall length of 30 feet.

Mobile Home Park: Any site or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

Non-Conformities: A building, structure, or use of land existing at the time of enactment of this resolution, and which does not conform to the regulations of the district or zone in which it is situated.

Nursery, Nursing Home: A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

Nursery, Plant Materials: Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

Open Space: An area substantially open to the sky, which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the Zoning Commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

Parking Space, Off-Street: For the purpose of this resolution, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Planned Unit Development: An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

Regional Planning Commission: The Licking County Regional Planning Commission.

Roadside Stand: A temporary structure designed or used for the display or sale of agricultural and related products.

Right-of-Way: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalk, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Seat: For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs.

Setback Line: A line established by the zoning resolution, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said code.

Sewers, Central or Group: An approved sewage disposal system, which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

Sewers, On-Site: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Sign: Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

1. Sign, On-Premises: Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
2. Sign, Off-Premises: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
3. Sign, Illuminated: Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
4. Sign, Lighting Device: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
5. Sign, Projecting: Any sign which projects from the exterior of a building.

Sign, Area of: The total exterior surface computed in square feet of a sign having but one exposed exterior surface, one-half the total of the exposed exterior surface computed in square feet of a sign having more than one such surface.

Standard Equipment: A criterion for the control of type and placing of industrial equipment.

Standard, Performance: A criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases, and other objectionable or dangerous elements generated by the inherent in or incidental to land uses.

Story: That part of a building between the surface of a floor and the ceiling immediately above.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, and billboards.

Supply Yards: A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

Swimming Pool: A pool, pond, lake, or open tank containing at least one and one-half (1 1/2) feet of water at any point and maintained by the owner or manager.

1. Private: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; and accessory use.
2. Community: Operated with a charge for admission; a primary use.

Thoroughfare, Street, or Road: The full width between property lines bounding every public way or whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. Arterial Street: A general term denoting a highway primarily for through traffic, carrying

- heavy loads and large volume of traffic, usually on a continuous route.
3. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
 4. Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
 5. Dead-End Street: A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
 6. Local Street: A street primarily for providing access to residential or other abutting properties.
 7. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the 180 degrees system of turns are not more than 1,000 feet from said arterial or collector street, nor normally more than 600 feet from each other.
 8. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street).

Tourist Home: A building or part thereof, other than a hotel, boarding house, lodging house, or motel where lodging is provided by a resident family in its home for compensation, mainly for transients.

Use: The specific purposes, for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Variance: A variance is a relaxation of the terms of the zoning resolution where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the resolution would result in unnecessary and undue hardship. As used in this resolution, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district, unless so authorized by this resolution.

Veterinary Animal Hospital or Clinic: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward; provided accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
2. Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Zoning Certificate: A document issued by the zoning or building inspector authorizing buildings, structures, or uses consistent with the terms of the zoning resolution and for the purpose of carrying out and enforcing its provisions.

Zoning Inspector: The zoning inspector of the Township, or an authorized representative.

Zoning Map: The zoning map or maps of the Township, together with all amendments subsequently adopted.

ARTICLE 5: DISTRICTS AND GENERAL PROVISIONS

Section 5.0 Districts

The Township is hereby divided into seven districts known as:

C-1 Conservancy District
AG Agricultural District
R-1 Single-Family Residence District
R-2 General Residence District
B-1 General Business District
M-1 General Manufacturing District
MHP Mobile Home Park District

Section 5.1 Zoning Map

The districts and boundaries thereof are established as shown on the zoning map, which maps together with all notations, references, data, district boundaries and other information shown thereon, shall be part of these regulations. The zoning map, properly attested, shall be and remain on file in the office of the township clerk.

Section 5.2 District Boundaries

The district boundary lines on said map are intended to follow either streets or alleys or lot lines; and, where the districts designated on the map are bounded approximately by such street, alley, or lot lines, the street or alley or lot line shall be construed to be the boundary of the district, unless such boundary is otherwise indicated on the map. In case of subdivided property, the district boundary lines shall be determined by the use of the scale appearing on the zoning map or by dimensions.

Where boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of the said railroad line.

Section 5.3 Compliance With Regulations

No building shall be erected, converted, or altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located, except as hereinafter provided. No building shall be erected, enlarged, or altered except in conformity with the area regulations, minimum yard requirements and minimum off-street parking space requirements of this resolution for the district in which such building is located.

Section 5.4 Street Frontage Required

Except as required by other provisions of these regulations, no lot shall have less than required frontage as measured along the edge of the road right-of-way of an existing public street. Only one principal structure shall be permitted on any lot.

Section 5.5 Traffic Visibility Across Corner Lots

In any R-District on any corner lot, no fence, structure or planting shall be erected or maintained within 20 feet of the corner (the point of intersection of the right-of-way lines), which interferes with traffic visibility across the corner.

Section 5.6 Off-Street Parking and Loading

In any district, spaces for off-street parking and off-street loading shall be provided in accordance with the provisions of Article 17.

Section 5.7 Essential Services

Essential services shall be permitted as authorized and regulated by law and other resolutions of the township, it being the intention hereof to exempt such essential services from the application of these regulations.

Section 5.8 Unsafe Buildings

Nothing in these regulations shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by proper authority.

Section 5.9 Vacated Street or Alley

Whenever any street, alley, or other public way is vacated by official action as provided by law, the zoning district adjoining the side of such public way shall be extended automatically, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulations of the extended district or districts.

Section 5.10 Mobile Homes

Individual mobile homes are permitted on a lot in R2, general residence districts, subject to the same minimum lot area requirements, lot dimensions, setback, off-street parking, and other requirements imposed upon residential home sites for the same district. All such mobile homes shall contain a minimum of 980 square feet of livable floor area not to consist of pop outs or add-ons), axles, wheels, and hitch removed and be placed on permanent concrete foundation in the following manner: skirting shall be placed around the outside perimeter of the mobile home on a concrete footer six inches wide and ten inches deep, at a depth of not less than 24 inches from normal grade. Masonry material, including concrete blocks, field stones, facing brick or facing stone shall be built up from the perimeter of the footer to the bottom of the mobile home unit to form an enclosing skirt. Such skirt shall be not less than four inches maximum thickness around the entire mobile home unit. A space, not to exceed more than five feet in length, may be left open at the ends or rear of the mobile home, suitable for access under the unit. Such area shall be closed when not in use with a door meeting zoning inspector's approval. Standard skirting may be applied over the masonry wall if the occupant so desires. All mobile homes shall be anchored with an approved anchoring device. The automotive certificate of title shall be surrendered to the clerk of courts and the necessary procedure to convert the home to real estate taxing will be followed. Proof of this action is to be furnished to the zoning inspector. No mobile homes shall be occupied until the zoning inspector has issued a certificate of occupancy.

Section 5.11 Modular Homes - Permitted

For the purpose of this resolution, a "modular home" shall be defined as a structure comprised of one or more self-sufficient units except for site preparation, transported on a vehicle from the place of manufacture to a site where it is to be occupied as a dwelling. Said modular home shall be affixed to a permanent foundation and comply with all lot area, yard requirements, and floor area requirements of this resolution.

Section 5.12 Territory Not Included - Annexations

In every case where territory has not been specifically included within a district or where a territory becomes a part of the unincorporated area of the township as the result of the dis-incorporation of any city, town, or portion thereof, or otherwise, such territory shall automatically be classified as a "C-1" District until otherwise classified.

Section 5.13 Accessory Buildings in R-Districts - AG Districts

Accessory building shall be located within the setback line for residences as specified in Article 8.5, 9.6, and 10.6 and no closer than 10 feet from any other building. Such accessory building shall be

permanently affixed to the ground. In the Ag District, accessory buildings on property greater than or equal to 10 acres or which produce at least \$2500 a year from agricultural production, shall be exempt, except in regard to the 10 foot separation from other structures.

Section 5.14 Drainage and Flood Plain Regulations

1. Adequate Drainage Required: No principal building shall be erected, structurally altered, or relocated on land which is not adequately drained at all times. Drainage plans when deemed necessary by the zoning inspector or the technical staff available to the Soil and Water Conservation District prior to approval by the Zoning Commission may review the Zoning Commission.
2. Building in Flood Plain Prohibited: No principal building shall be erected below an elevation of the flood of record three feet or in an area determined to have a high flood hazard risk as a result of a study conducted by, or recognized by a state or federal agency, or in an area subject to 100 year frequency flooding as determined by hydrological computation.
3. Filling in of Flood Plain: Earth fill or other materials may not be used to raise the elevation of land unless the fill proposed does not restrict the flow of water and unduly increase flood height and hazard as determined by the Zoning Commission after consultation with the technical staff available to the local Soil and Water Conservation District based upon an engineering report prepared by a licensed engineer at the expense of the landowner.
4. Obstruction to Drainage Prohibited: The damming, filling, relocating, or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with approval of the Zoning Commission and Board of Township Trustees.
5. Building Restricted Adjacent to Drainage Channels or Watercourses: No building other than a bridge, dam, or revetment subject to the aforesaid approval, shall be erected, structurally altered or relocated, within 20 feet of the ordinary high water line of such surface water that the lowest floor of said buildings is less than three feet above the ordinary high ground water line, except with approval of the Zoning Commission and Board of Township Trustees.

Section 5.15 Agricultural Exemptions

Sections 519.02 to 519.24, inclusive, of the Ohio Revised Code confer no power on any Board of Township Trustees or Zoning Appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use of agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such building or structure.

Section 5.16 Basements - Heights

Basements, when provided, shall have a minimum ceiling height of seven feet.

Section 5.17 Dwelling - Board of Health Regulations

All dwellings shall meet the regulations of the Licking County Board of Health.

Section 5.18 Outdoor Advertising

Outdoor advertising shall be classified as a business use and be permitted in all districts zoned for industry, business, or trade, or lands used for agricultural purposes, however, such uses shall comply with the requirements of the district in which they are located.

Section 5.19 Adult Entertainment Facilities

5.19-0 Definitions

1. "Adult Entertainment Facility" means any establishment, which is involved in one or more of the following listed categories:

- a. Adult Book Store - An establishment having greater than 25 percent of its display area or items for sale or its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined.
 - b. Adult Mini-Motion Picture Theater - A facility with a capacity for less than 50 persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
 - c. Adult Motion Picture Theater - A facility with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
 - d. Adult Entertainment Business - Any establishment involved in the sale or services of products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live male or females and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions, which utilize activities as specified above.
2. "Specified Sexual Activities" means any of the following:
 - a. Human genitals in a state of sexual stimulation or arousal.
 - b. Acts, real or simulated, or human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.
 - c. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
 3. "Specified Anatomical Areas" means any of the following:
 - a. Less than completely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the tope of the areola.
 - b. Human male genitals in a discernible turgid state.
 4. "Persons" means any individual, corporation, company, business, partnership, association, establishment, or other legal entity of any kind.
 5. "Fine Art Gallery" means any display of art work which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.
 6. "Sexually Explicit Nudity" means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depictions in such position or manner, which present or expose such nudity to prominent, focal, or obvious viewing attention.
 7. "Sadomasochistic Sexual Abuse" means actual or simulated flagellation, rape, torture, or other physical or sexual abuse, by or upon a person who is nude or partially denuded, or the condition of being fettered, bound for sexual gratification or abused or represented in the context of a sexual relationship.
 8. "Visibly Displayed" means the material is visible on a billboard, viewing screen, marquee, newsstand, display rack, window, showcase, display case, or other similar display area that is visible from any part of the general public or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonably anticipated access and presence.
 9. "Knowledge of Character" means having general knowledge, or reason to know; or a belief or ground for belief which warrants further inspection or inquiry, of the nature and character of the material or performance involved. A person has such knowledge when he or she knows or is aware that the material or performance contains, depicts, or describes sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals, whichever is applicable, whether or not such person has precise knowledge of the specific contents thereof. Direct or circumstantial evidence, or both may prove such knowledge.
 10. "Harmful to Juveniles" means any material or performance, whether through motion pictures, photographs, drawings, cartoons, slides, depictions, or descriptions in which (a), (b), and (c) apply.
 - a. The average adult person, applying contemporary community standards would find

that the material or performance, taken as a whole, is intended to excite lustful or erotic thoughts in juveniles, or is designed or marketed to cater or appeal to a prurient interest in nudity, sex, or excretion.

- b. The material or performance depicts or describes sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals, in a way, which is patently offensive to prevailing standards in the adult community with respect to what is suitable for juveniles.
- c. The material or performance, taken as a whole, lacks serious literary, artistic, political, educational, or scientific value for juveniles.

5.19-1 Exceptions

Nothing in this article shall be construed to pertain to:

- 1. The purchase, distribution, exhibition, and/or loan of any work of art, book, magazine or other printed material or manuscript by any accredited museum, library, fine art gallery, school or institution of higher learning.
- 2. The exhibition and/or performance of any play, drama, tableau, or motion picture by any theater, museum, library, fine art gallery, school or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

5.19-2 Location

Adult entertainment facilities, adult mini-motion picture theaters, adult motion picture theaters and adult entertainment facilities of any kind or type are prohibited in McKean Township. Violation of this zoning regulation shall be subject to the enforcement articles and penalties outlined in the zoning regulations of McKean Township.

5.19-3 Unlawful Exhibition or Display of Harmful Material to Juveniles

No person having custody, control, or supervision, or any business or commercial establishment or premises, with knowledge of the character of the material involved, shall do or cause to have done any of the following:

- 1. Allow, permit, or fail to prevent any juvenile who is not accompanied by a parent or lawful guardian to enter or remain on premises if in that part of the premises where the juvenile is or may be allowed, permitted, or invited as part of the general public or otherwise, there is visibly displayed all or any part of any book, magazine, newspaper, or other form of any material which is either of the following: harmful to juveniles, when taken as a whole, or contains on its cover, package, wrapping, or within the advertisements therefore, depictions or photographs of sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals.
- 2. Visibly display, exhibit, or otherwise expose to review, all or any part of such material in any business or commercial establishment where juveniles, as part of the general public or otherwise, are, or will probably be, exposed to view all or any part of such material from any public or private place.
- 3. Hire, employ, or otherwise place, supervise, control, or allow in any business or commercial establishment or other place, any juvenile under circumstances which would cause, lead, or allow such juvenile to engage in the business or activity of selling, distributing, disseminating, or otherwise dealing or handling such material, either to or for adults or juveniles.

5.19-4 Violation and Penalty

Whoever violates any provisions of this article shall be punishable under Section 25.7 - Violations and Penalties.

5.19-5 Adult Entertainment Facilities - Prohibited

All of the above subjects or establishments shall be prohibited within the border and boundaries of McKean Township, Licking County, Ohio.

Section 5.20 Junk Motor Vehicle Regulations

For purpose of these sections, "Junk Motor Vehicles" means any motor vehicle or semi-trailer, which is:

- A. Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmissions; or
- B. Apparently inoperable, that is left uncovered in the open on private property, and visible from a public road or private drive for more than 5 days with the permission of the person having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of Section 4737.05 to 4737.12 of the Ohio Revised Code or regulated under other sections of this zoning resolution.

Upon receipt of a written complaint, the zoning inspector of McKean Township may send notice by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.

Any person wishing to appeal the decision of the provisions of this section may appeal such decision to the McKean Township Board of Zoning Appeals in accordance with Sections 26.3 and 26.6 through 26.14.

Vehicles undergoing legitimate repair in a timely and consistent manner shall be exempt from the provisions of this Section 5.20.

No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent day that a junk motor vehicle continues to be so left constitutes a separate offense under this McKean Zoning Resolution, and will be considered a violation of this McKean Resolution.

- 5.20A Driveway specifications to be: the first twenty feet of driveway, measured perpendicular to the edge of the roadway, shall be level or have negative slope not to exceed 20 percent slope.

Section 5.21 Access

Access to each residence shall be by a separate driveway between each residence and the public road. Driveways shall not cross another person's property.

ARTICLE 6: NONCONFORMING USES OR BUILDINGS

Section 6.0 Existing Nonconforming Uses - Continuation

Except as hereinafter specified, the unlawful use of a building or premises existing at the time of the adoption or amendment of this resolution may be continued, although such use, building or structure does not conform with the provisions of this resolution for the district in which it is located.

Section 6.1 Nonconforming Uses or Buildings - Enlargement, Substitution, Etc.

No existing building or premises devoted to a use not permitted by this resolution in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, substituted, or structurally altered, unless authorized by the Board in accordance with Article 26.

Section 6.2 Discontinuance of a Use

No building, structure, or premises where a nonconforming use has been discontinued for a period of twenty-four (24) months or more shall be put to a nonconforming use.

Section 6.3 Nonconformity - Performance Standards

All uses nonconforming at the time of adoption of this resolution, by reason of noncompliance with the provisions of Article 16, if not otherwise stipulated by the Board, shall adopt necessary measures to conform therewith within two years of the adoption of this resolution.

Section 6.4 Repairs and Alterations

Repairs and maintenance work as required to keep it in sound condition may be made to a nonconforming building or structure.

Section 6.5 Replacing Damaged Buildings

Any nonconforming building or structure, or one or more of a group of nonconforming buildings or structures related to one industry and under one ownership, which has been or may be damaged by fire, flood, explosion, earthquake, war riot, or act of God, may be reconstructed and used as before, if it be done within 12 months of such calamity or if the area restored does not exceed the square foot area as it existed at the time of such calamity.

Section 6.6 Exemption of Essential Services

Essential services, as defined in this resolution, shall be exempt from the provisions of Sections 6.4 and 6.5 of this article.

ARTICLE 7: C-1, CONSERVATION DISTRICT

Section 7.0 Purpose

The purpose of the Conservation District is to protect the public health and to reduce the financial burdens imposed on the community, its governmental units, and its individuals, which may result from improper use of lands having excessively high water tables or are subject to frequent and periodic floods and overflow.

Section 7.1 Uses Permitted in the C-1, Conservation District

1. Any customary agricultural use, forestry.
2. Recreational facilities such as fishing lakes, golf courses, golf driving ranges, and parks.
3. Water conservation works; including water supply works, flood control and watershed protection, fish and game hatcheries and preserves, hydro-electric power installation, etc.
4. Accessory use and buildings.
5. Essential services.

Section 7.2 Conditional Uses - With Approval by the Board

1. Gun clubs, archery courts, and other similar uses.
2. Commercial mining; in accordance with the provisions of Article 19.
3. Reclamation of lands subject to flooding, provided that no filling, draining, construction of levees or other improvements intended to reduce the danger of flood or erosion shall be authorized by the Commission unless the Commission finds that such reclamation work is in concert with the objectives of the Land Use Plan; and, that any such work is done in accordance with plans approved by the Commission after review by the technical staff available to the Soil and Water Conservation District.

Section 7.3 Other Requirements

Buildings or structures authorized in the Conservation District shall not obstruct natural drainage courses and floodways. Equipment, materials, and wastes stored in areas subject to flooding shall have a specific gravity substantially heavier than water, or shall be otherwise secured against floating away and shall not become a source of water pollution or contamination.

1. **Engineer's Report:** Whenever the Commission is required to pass on matters of protection of life and property from flood hazards, it shall request a report and recommendations thereon from the technical staff available to the Soil and Water Conservation District.
2. **Change to Non-conservation District:** Changes of district classification from C-1 to any other classification provided by this resolution may be initiated in accordance with the requirements of this resolution; provided that the applicant can show that any flood condition existing at the time the C-1 District was originally established does no longer exist or has been remedied to the satisfaction of the Zoning Commission, and that the area in question is now reasonably well protected from floods for the intended purpose and occupancy. Prior to recommending a change of zoning to the Township Trustees, the Township Zoning Commission shall require completion of all necessary flood works in accordance with the requirements and specifications of the C-1 District. When deemed necessary the technical staff of the Soil and Water Conservation District will review the plan.

Section 7.4 Required Lot Area and Lot Width in the C-1 District

None, except as may be specified by the Commission, provided that no structure shall be located closer than 35 feet to any existing or proposed public right-of-way, and not closer than 50 feet to any side or rear lot line.

Section 7.5 Height Regulations in the C-1 District

No structure shall exceed 35 feet in height.

ARTICLE 8: AG, AGRICULTURAL DISTRICT

Section 8.0 Purpose

The purpose of the Agricultural District is to provide an area for agricultural pursuits protected from infringement of unguided urban development, to create and preserve a setting for rural small estate residential development, and to conserve areas physically unsuitable for intensive development.

Section 8.1 Uses Permitted in the AG District

1. Agricultural uses, commercial grain storage.
2. One-family residential dwellings.
3. Utility and service system buildings and lands, public buildings, and picnic grounds.
4. Unlighted signs notifying of sale, rental or lease of land or sale of farm goods on the premises on which the sign is maintained having not over four square feet of sign area, signs announcing meeting time and place of civic organizations.

Section 8.2 Conditional Uses - With Approval by the Board

1. Real estate, professional, and small announcement signs, subject to the provisions of Article 18.
2. Uses of land including quarrying and mining of natural resources, subject to Article 19.
3. Cemeteries, golf courses, religious and educational institutions, and similar uses.
4. Home occupations.
5. Commercial Kennels

Section 8.3 Required Lot Area and Lot Width in the AG District for Residential Use

The required lot area being five acres (217,800 square feet) and 250 feet of road frontage. The 250 foot road frontage shall have a minimum depth of 100 feet as measured from the road right of way line. Where no road right of way line exists, 30 feet from the centerline of the road shall be added to the 100 feet of depth.

Section 8.4 Height Regulation in the AG District

No dwelling shall exceed two and one-half (2 1/2) stories or 35 feet in height.

Section 8.5 Required Yard in the AG District

All dwellings shall have the following minimum yard spaces:

Front Yard - 120 feet*
Side Yard - 65 feet each side
Rear Yard - 65 feet

*Corner lots shall provide the minimum front yard requirements on each street side of the lot.

Section 8.6 Required Floor Area in the AG District

Any building intended in whole or part for residential purposes shall provide a minimum livable floor area as hereinafter specified:

Single-Family Dwelling** - 1,300 square feet.

*Where the county or township has not established a right-of-way, the building line shall be 90 feet from the center of the road.

**Shall not be less than 22 feet in width or depth, whichever is the smaller dimension.

ARTICLE 9: RESIDENTIAL DISTRICT (R)

Section 9.0 Purpose

The purpose of the Residence District is to provide an area for small estate development, to provide an area for light agricultural pursuits, and to conserve areas physically unsuitable for intensive development.

Section 9.1 Uses Permitted in the Residential District

1. One-family dwellings.
2. Public parks, playgrounds, and other similar public recreational uses, provided that any principal building or swimming pool shall be located not less than 65 feet from any other lot.
3. Agricultural uses including nurseries and raising farm produce.
4. Accessory buildings and uses.
5. Unlighted real estate signs, nonconforming business use signs, and public building or church sign or bulletin boards pertaining to the property on which they are placed and not having over 16 square feet of sign area.
6. Essential services.

Section 9.2 Conditional Uses - With Approval by the Board of Appeals

1. Churches and other places of worship, including Sunday school buildings, schools and colleges, public libraries, public museums, public art galleries, and similar public cultural uses.
2. Two family dwellings, tourist homes, lodging houses.
3. Clubs, lodges, rest homes, funeral homes, clinics and similar uses.
4. Country clubs, golf courses, and similar uses. Swimming pools shall be located not less than 100 feet from any other lot.
5. Utility substations and pump houses, provided that such structures will not detract from the general appearance of the area nor adversely affect the comfort, safety, or welfare of the residents of the area.
6. Home occupations.

Section 9.3 Required Lot Area and Lot Width in the Residential District

Each structure other than an accessory building shall be located on a lot having an area of not less than 5 acres and a lot frontage of not less than 300 contiguous feet.

Section 9.4 Required Floor Area in the Residential District

Any building intended in whole or part for residential purposes shall provide a minimum floor area as follows:

- a. Single and two-family dwellings - 1,300 square feet per unit.
- b. Family dwellings shall not be less than 22 feet in width or depth.

Section 9.5 Height Regulation in the Residential District

No residential dwelling shall exceed two and one-half (2 1/2) stories or 35 feet in height.

Section 9.6 Required Yard Area in the Residential District

All structures shall have the following minimum yard spaces:

- Front Yard - 200 feet
- Side Yard - 65 feet
- Rear Yard - 65 feet

Corner lots shall provide the minimum front yard requirements on each street side of the lot.

ARTICLE 10: (Deleted)

ARTICLE 11: RURAL PRESERVATION OVERLAY DISTRICT

Section 11.0 Purpose

The purpose of the Rural Preservation Overlay District is to maintain the same overall housing density as in the **Agriculture District**, while assuring space for natural areas and farming, for present and future generations, and to foster a connection to the land. This overlay district allows for greater design flexibility so that natural features, prime farmland, and other sensitive lands are protected by concentrating development on more suitable and less environmentally sensitive areas. The boundaries of the Rural Preservation Overlay (RPO) shall coincide with the boundaries of the **Agriculture District**.

Section 11.1 General Requirement

The Rural Preservation Overlay District is a type of Planned Unit Development as permitted by the Ohio Revised Code Section 519.021. For a landowner interested in developing his/her/their land, this is an optional procedure that allows some site design flexibility in exchange for dedicated open space, rather than the conventional site design required within the Agriculture District. The Rural Preservation Overlay District is available to all land in the Agricultural District and the landowner must request this change. Land proposed for this district must be at least 50 contiguous acres in size. Smaller parcels may be considered, including when the open space is contiguous to an existing Rural Preservation Overlay District's open space. The permitted uses in the Rural Preservation Overlay District are the same as in the AG District.

Section 11.2 Required Lot Area

The minimum required lot size shall be 2.0 acres of useable ground. Useable ground is that as defined by the Licking County Health Department, and at a minimum means lands outside of a flood plain, wetland, any easement, and/or right-of-way.

Section 11.3 Required Yard Size

1. All dwellings on exterior perimeter lots shall have the following:
 - a. The distance from a perimeter property line of the proposed development to a dwelling shall be a minimum of 200 feet.
 - b. The minimum distance from any pre-existing public road and a proposed dwelling is 500 feet or 50% of the original lots depth, whichever is less.
 - c. The minimum distance between a residential structure and the center of the road shall be 60 feet.
 - d. The minimum side yard shall be 20 feet.
 - e. All plats for perimeter lots in the RPO shall require a 15 foot buffer along the development perimeter (open space does not require this buffer), to be left in a natural state.
2. Interior lots shall have the following set backs:
 - a. The minimum distance between a residential structure and the center of the road shall be 60 feet.
 - b. The minimum side yard shall be 20 feet.
 - c. The minimum rear yard shall be 75 feet.
3. If the proposed setbacks of lots are less than required, then they are subject to the approval of the Zoning Commission.

Section 11.4 Minimum Percentage of Open Space

The minimum percentage of land that shall be designated as permanent open space, not ever to be developed other than as agricultural uses and to be protected in perpetuity through a conservation easement held by the homeowners association, a recognized land Trust or Conservancy, McKean

Township, or a combination thereof shall be as specified below:

1. A minimum of fifty percent (50%) of the adjusted tract acreage after deducting the following kinds of un-buildable acreage:
 - a. Primary wetlands and 100 year flood plain as shown on official FEMA Flood Insurance Rate Maps.
 - b. Lands with slopes exceeding 25% or soils subject to slumping.
 - c. Land required for street right-of-ways.
 - d. Land under permanent easement prohibiting future development including easements for drainage, access, and utilities.
2. All undeveloped open space shall be restricted from further subdivision and development through a permanent conservation easement, in a form acceptable to the Township and duly recorded in the County Records Office.
3. The required open space may be used, without restriction, for underground drainage fields for individual or community septic systems. However, "mound" systems protruding above grade and/or aerated sewage treatment ponds shall be limited to no more than ten percent of the required minimum open space.
4. Storm water management ponds or basins may be included in the minimum required open space.

The plan for the composition and operation of the open space by the homeowners association, Land Trust or Conservancy, Township, or any combination shall be proposed by the developer and subject to approval by the McKean Zoning Commission. It must meet the intent of McKean Township Comprehensive Plan, hereafter adopted, and this resolution. The open space plan language shall provide legal standing for McKean Township and McKean Township residents to enforce the plan.

Section 11.5 Watercourse protection

A 25-foot wide greenway buffer on each side based on normal water levels of all water bodies and watercourses shall be maintained throughout the total tract. No structures for housing or storage are permitted in this buffer.

Section 11.6 Rural Preservation Housing Density

The total allowable number of housing lots in the adjusted tract acreage shall be the same as allowed in the Agricultural District. An increase in density with an offsetting increase in the open space is subject to approval by the McKean Township Zoning Commission.

Section 11.7 Location of Open Space

The location of Open Space shall be guided by the maps (these are intended as general guidelines) and policies contained in the Township's Comprehensive Plan, hereafter adopted, and shall typically include all or part of the following kinds of resources: mature woodlands, aquifer recharge areas, areas with highly permeable soil, significant wildlife areas, prime farmland, historic, archaeological, or cultural features listed or eligible to be listed on national, state, or county registers or inventories, and scenic views into the properties from existing public roads.

Section 11.8 Required Disclosure of AG Uses & Acknowledgment by all Lot Purchasers

The seller of any lot within the Rural Preservation Overlay District must provide each buyer with the Disclosure of Agriculture Uses Notice and the Agricultural Acknowledgment Form as found in the Appendix of this Resolution. The purpose of the Disclosure Notice is to alert the buyer that he/she/they are purchasing land in a special district designed to co-exist with Agricultural practices and what those practices entail. Before the Zoning Inspector will issue a zoning permit for any lot within a Rural Preservation Overlay District, the lot owner must provide the Zoning Inspector with the signed Agricultural Acknowledgment Form.

ARTICLE 12: APPROVAL PROCESS FOR THE RURAL PRESERVATION OVERLAY DISTRICT

Section 12.0 Procedure for Approval of Rural Preservation Overlay Development Plans

The RPO Development Plan shall be reviewed in accordance with the procedures in this article. An applicant is encouraged to engage in informal consultations with the McKean Township Zoning Inspector ("Zoning Inspector"), Licking County Planning Commission ("LCPC") staff, County Engineer, Licking County Soil and Water District and Public Utilities Provider prior to the filing of any application; however no statement of representation by such persons shall be binding on either the McKean Township Zoning Commission ("Zoning Commission") or the McKean Township Trustees.

Section 12.1 Submittal of Application to Township Zoning Clerk

The property owner or his/her/their representative shall submit a completed RPO Development Plan application to the McKean Township Zoning Clerk.

Section 12.2 Contents of RPO Application

To be considered a complete development plan application, the following background information must be submitted in typed form:

1. Name, address, and phone number of land owner(s) and their signature.
2. Location description of the property and tax map showing property boundaries of proposed RPO development, as well as all adjacent parcels.
3. Existing use(s).
4. Present Zoning District.
5. A statement, which offers a conceptual overview of the proposed development. This statement shall include a description of the nature of the proposed development, proposed land uses including specific types (e.g. one-family dwellings, golf course, etc.) In addition, the statement must set forth how it meets the intent and guidelines of the McKean Township Comprehensive Plan, and reasons why the proposed RPO would be in the public interest and would be consistent with the stated intent of the RPO requirements described in this Resolution. This plan must be consistent with the County's major thoroughfare plan, parks and public open space plan, and subdivision regulations.
6. A sketch plan of the proposed development.
7. Location and description of proposed open space and the method of ownership and maintenance as farmland or open space in perpetuity as per this section.
8. The proposed system for utilities including the provision of water and treatment of sewage.
9. Certification that all information in the application is true and correct.

Section 12.3 Notification of Application to LCPC

After submittal of the Application to the McKean Township Clerk, the applicant must begin the Major Subdivision review process required by the Licking County Subdivision Regulations. The applicant will forward a copy of the completed application for RPO to the Licking County Planning Commission (LCPC).

Section 12.4 LCPC and McKean Sketch and Pre-Engineering Subdivision Plan Review

The applicant will meet and follow the review procedures as established by the Licking County Subdivision Regulations for Sketch and Pre-Engineering Plans. Members of the McKean Township Zoning Commission will attend meetings of the County's Technical Review Committee in regard to proposed McKean Township Rural Preservation developments. The applicant shall forward all conditions and approvals of the Sketch and Pre-Engineering Plans to the McKean Township Clerk.

Section 12.5 Criteria for Review of a Preliminary Development Plan

The application, the preliminary plan, and the preliminary plan drawing shall be reviewed by the zoning commission in accordance with the following criteria:

1. That the proposed development will be reviewed in conformity with the goals and objectives of the McKean Township Zoning Comprehensive Plan.
2. That the requirements of Article 11 are met
3. That there are adequate public services (i.e. utilities, fire protection, emergency service, etc.) available to serve the proposed development
4. That the proposed development will not create overcrowding and/or traffic hazards on existing roads and/or intersections.
5. That the arrangement of land uses on the site properly consider topography, significant natural features, natural drainage patterns, views, and roadway access.
6. That the clustering of development sites are shown to preserve any natural or historic features and provide usable common open space.

Section 12.6 Effect of Review of the Preliminary Development Plan and Application

Review of the preliminary plan and application does not approve any development on the site, nor shall it be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility. Approval of Preliminary Development Plan is necessary however, before the applicant may submit a Final Plan to the Licking County Planning Commission or Final Development Plan to the McKean Township Trustees for review.

Section 12.7 Contents of Application for Approval of Final Development Plan

The applicant shall submit four (4) copies of the final development plan and application to the Township Clerk. This information should be a copy of the information required for the preliminary plan for the LCPC with any changes required by the L.C.P.C.'s Preliminary Plan approval and all terms and conditions recommended by the Zoning Commission. The owner or the lessee attesting to the truth and exactness of all information supplied on the application for final development plan shall sign each application. Each application shall clearly state that any approval shall expire if construction on the project has not begun within one year from the date of issuance of the approval.

The application shall also contain all of the written information required for the preliminary plan application, revised as necessary along with the following:

1. The specific description of permitted, conditionally permitted and accessory uses to be allowed in each area of development.
2. Any proposed deed restrictions.
3. A copy of the conservation easement for protection of the open/farmland space in perpetuity.

Section 12.8 Final Development Plan Review as a Subdivision

Concurrent with the submission of the final development Plan to the McKean Township Trustees, the applicant is also required to submit such plan to the Licking County Planning Commission (LCPC) for review as a subdivision final plat pursuant to the Licking County Subdivision Regulations. The applicant shall forward all comments generated during this review by the LCPC to McKean Township Trustees.

Section 12.9 Preliminary Approval; Final Plan Approval Procedure and Review Process

Before any final Development Plan can be reviewed pursuant to this article, the application in question must first have been reviewed as a preliminary RPO development plan. If the Final Plan is approved, all development restrictions, deed restrictions, and easements described in the Final Plan shall become official requirements of the development.

Section 12.10 Administrative Review by Trustees

Within thirty (30) days after receipt of the final application, final development plan, and all conditions, and comments made by LCPC, the Trustees will hold a public meeting to conduct an administrative review. Notice shall be given by publication in a newspaper of general circulation at least seven (7) days before such public meeting and by mail to the applicant.

Section 12.11 Action by Trustees

Within forty (40) days after receipt of the final application and other materials listed in section 12.7, the Trustees shall decide that the final development plan be approved as presented, approved with conditions, or disapproved. If this application is either approved or approved with conditions, the zoning inspector shall issue zoning permits only in accordance with the approved final development plan and the conditions attached. Administrative acts of Trustees may be appealed to the Court of Common Pleas within thirty (30) days after approval of their minutes.

Section 12.12 Criteria of Approval - Final Plan

The McKean Township Trustees shall review the proposed Final Plan in accordance with the following criteria:

1. That the proposed development is in conformity with the goals and objectives of the McKean Township Comprehensive Plan
2. That the proposed development meets the requirements of Article 11.
3. That the existing and proposed utilities, including water and sewer service, and drainage plan will be adequate for the population densities and non-residential uses proposed in the RPO.

Section 12.13 Supplementary Conditions and Safeguards

In approving any RPO plan, the Trustees may prescribe appropriate conditions and safeguards in conformity with this resolution. Violation of these terms, conditions, or safeguards under which the final development plan is approved, shall be deemed a violation of this resolution, and punishable under article 25 of this resolution.

Section 12.14 Fees

Each application for a RPO initiated by the landowner shall be accompanied by a check or cash payment sufficient in amount to cover the cost of publishing, posting, and/or mailing the notices of the hearing required by the foregoing provisions.

ARTICLE 13: B-1, GENERAL BUSINESS DISTRICT

Section 13.0 Purpose

The purpose of the B-1, General Business District is to provide for a wide range of retail facilities and services of such a nature as to be fully compatible in the close proximity they must enjoy in a centralized business district.

Section 13.1 Uses Permitted in the B-1, General Business District

1. Any uses permitted in the R-2 District.
2. Major Retail Outlets: furniture, department, clothing, shoe, variety stores, hardware, appliance, paint, and wallpaper stores.
3. Food, Drug, and Beverages: grocery stores, supermarkets, meat markets, drug stores, bakery in conjunction with retail sales, restaurants, and tea rooms.
4. Specialty Shops: gift shops, magazine, book and stationery outlets, florist shops, camera and photography shops, and sporting goods.
5. Service and Recreation: Laundromats, dry cleaning and laundry pick-up stations, barber and beauty shops, shoe repair, tailor shops, mortuaries, printing shops with not more than ten full-time regular employees, and places of amusement and assembly.
6. Business and Professional Offices: medical and dental offices and clinics, law offices, insurance and real estate offices, banks, finance, and utility companies.
7. Automotive and Related Uses: new and used car sales, service, and repair, gasoline filling stations, however, bulk petroleum storage tanks shall not be permitted above the ground, motorcycle and bicycle shops, cab and bus stands, and depots.
8. Motels and Motor Hotels: motels and motor hotels shall have 60,000 square feet of area and a lot frontage of 200 feet, and shall be subject to the provisions of Article 22.
9. Accessory uses or buildings.
10. Business and advertising signs pertaining to the business on the property on which the sign is located provided that:
 - a. Illumination of all signs shall be diffused or indirect and shall be arranged so as not to reflect direct rays of light into adjacent residence districts or into the public way.
 - b. That any sign located in the direct line of vision of any traffic control signal shall not have flashing intermittent red, green, or amber illumination.
 - c. That the provisions of Article 18 are complied with.

Section 13.2 Conditional Uses - With Approval by the Board

1. Any conditional use permitted in the residential districts.
2. Building Trades or Equipment: Building concrete, electrical, masonry, sheet metal, plumbing and heating shops, building material establishments.
3. Vehicle Drive-In and Heavy Vehicle Service: Drive-in theaters, drive-in restaurants and refreshment stands, express, cartage, trucking facilities, large item machinery or bulk sales, and storage not including outdoor unfenced storage.
4. Heavy Service and Processing Facilities: Laundry and dry cleaning plants, linens, towels, diaper, and similar supply services, animal pounds, kennels, and veterinary establishments, however, kennels shall not be located within 200 feet of any "R," "AG," or "C" District, frozen food lockers, seed and food processing plants, and dairies.
5. Accessory uses of buildings.

Section 13.3 Required Lot Area and Lot Width in the B-1 District

1. Residential Uses: Each residential use to be accommodated in the B-1 District shall meet the minimum lot area and minimum lot width requirements of the R-2 District.
2. Commercial Uses: 43,560 square feet.

Section 13.4 Building Height Regulation in the B-1 District

No building shall exceed two stories or 30 feet in height, except as provided in Article 24.

Section 13.5 Required Yards in the B-1 District

1. **Residential Uses:** Each residential use to be accommodated in the B-1 District shall meet the minimum yard requirements of the R-2 District.
2. **Commercial Uses:**
 - a. Front Yard - 25 feet, or 55 feet from the center of the road if no right-of-way has been established.
 - b. Side Yard - No minimum yard required, except lots adjoining a residential district shall provide a side yard on that adjoining side equal to that required in the adjoining residence district.
 - c. Rear Yard - 25 feet. Where a lot line abuts any alley one-half (1/2) of the width of such alley, may be considered in meeting the rear yard requirements.

Section 13.6 Landscaping or Screening Provisions

For non-residential uses abutting a residential district, the minimum yards may be reduced to 50 percent of the minimum side or rear yard requirements, if acceptable landscaping or screening, approved by the Board is provided. Such screening shall be six feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 15 feet in width planted with evergreen hedge, or dense planting of evergreen shrubs not less than four feet in height.

ARTICLE 14: PROVISIONS GOVERNING MANUFACTURING DISTRICTS

Section 14.0 Purpose

The purpose of the M-1, Light Manufacturing District is to provide for commercial uses, storage, and those manufacturing uses not normally creating a nuisance discernible beyond its property.

The purpose of the conditional use provision is to provide for industrial uses not allowed in any other district, provided that within this district, uses of a hazardous nature or those producing extensive smoke or odor shall not be located so that the general hazard or nuisance affects a large segment of the community.

Section 14.1 Uses Permitted in the M-1, Light Manufacturing District

1. Any use permitted in the B-1 District.
2. Warehousing and Storage: Indoor and outdoor storage of goods and materials including warehousing, pole-yards, building material storage, and trucking storage. However, not including junkyards or similar uses.
3. Manufacturing: Manufacturing or processing of small items, including gloves, footwear, bathing caps, shoes, boots, boxes and cartons, hardware, toys, electric batteries, motors or generators, textile products manufacture, glass, cement, and stone products manufacture, furniture manufacture, food manufacture, or processing including hatcheries, canning, freezing, storage, and bottling.
4. Other manufacturing uses of a light nature, free from any objectionable odors, fumes, dirt, vibration, or noise detectable at the lot line. A registered engineer or architect indicating that every reasonable provisions will be taken to eliminate or minimize gas fumes, odors, dirt, vibration or noise, shall not establish such uses without an application for a permit. In the event of the denial of such permit, an applicant shall have a right of appeal to the Board of Zoning appeals, in accordance with Article 26.

Section 14.2 Special Uses - With Commission Approval

All uses not otherwise prohibited by law except residential uses, provided however, that the following uses will be permitted as special uses in the M-1 District when authorized by the Township Trustees after public hearing and recommendation by the Zoning Commission: bag cleaning, boiler and tank works, central mixing plant for cement, mortar, plaster or paving materials, coke oven, curing, tanning and storage of raw hides and skins, distillation of bones, coal, wood or tar, fat rendering, forge plant, foundry or metal fabrication plant, gasoline or oil storage above ground in excess of 500 gallons, slaughter house or stockyards, smelting acid, alcohol or alcoholic beverages, ammonia, bleaching powder, chemicals, brick, pottery, terra-cotta or tile, candles, disinfectants, dyestuffs, fertilizers, linseed oil, paint, oil, turpentine, varnish, soap and tar products, or any other use which in the opinion of the Zoning Commission would emit detrimental or obnoxious noise, vibrations, smoke, odors, dust, or other objectionable conditions beyond the confines of its property.

The Zoning Commission shall recommend Township Trustees approval if it determines that the proposed use will not extend its detrimental or obnoxious effects beyond the limits of the General Manufacturing District in which it is located. Such special uses shall be subject to any requirements the Zoning Commission feels necessary to further the purpose of the manufacturing district, as stated in the preamble.

Section 14.3 Required Lot Area and Lot Width in the Manufacturing District

Each use to be established in the M-1 District shall provide a minimum lot area of 43,560 square feet and a minimum lot width of 200 feet.

Section 14.4 Building Height Regulation in the Manufacturing District

No building in the M-1 District shall exceed 50 feet in height.

Section 14.5 Yards Required in the Manufacturing District

All structures to be constructed, altered, or moved in the M-1 District shall provide yards of the following minimum depths:

- a) Front Yard - 40 feet
- b) Side Yard - 25 feet. Except where a side yard abuts a residential district in which case a side yard of 50 feet shall be provided.
- c) Rear Yard - 40 feet

Section 14.6 Screening Required Between Manufacturing and Residential Districts

Newly established manufacturing uses adjacent or backing on a residential district shall provide on that adjacent property line a dense hedge, tree row, or other suitable landscape device adequate to visually screen the industrial area from the residential area.

ARTICLE 15: MHP, MOBILE HOME PARK DISTRICT

Section 15.0 Intent and Purpose

It is the intent and purpose of this article to regulate the location and to encourage, stabilize, and protect the development of well-planned mobile home parks.

Section 15.1 Approval Procedures

Mobile home parks may be located only in the MHP District. The procedure for approval shall follow those as shown in Article 15 of this resolution. Mobile home parks may be referred to the Licking County Regional Planning Commission for its review and recommendation. The Township Zoning Commission shall give final approval.

Section 15.2 General Standards

The Commission shall review the particular facts and circumstances of each proposed mobile home park in terms of the following standards and shall find adequate evidence showing that the mobile home park development:

1. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
2. Will not be hazardous or detrimental to existing or future neighboring uses.
3. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, and schools, or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services.
4. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
5. Will be consistent with the intent and purpose of this resolution and the Comprehensive Plan.
6. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
7. Will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.
8. Will meet all applicable codes and laws.

Section 15.3 Mobile Home Park Requirements

Mobile home parks shall meet the following requirements:

1. Park Size - A mobile home park shall contain a minimum of 10 acres.
2. Width and Depth - The minimum width of the mobile home park development shall not be less than 250 feet. The ratio of width to depth shall not exceed one to five (1:5).

Section 15.4 Permitted Uses

Within a mobile home park the following uses shall be permitted:

1. Building or permanent type structures used exclusively to provide services for occupants of the park; such as a recreation building, swimming pool and bath houses, laundry room, mobile home park office, storage rooms, and the like.
2. Accessory buildings or structures that are clearly incidental and attached to a mobile home; such as a carport, cabana, Florida room, and the like.
3. Advertising signs subject to all the following provisions:

- a. One identification type sign advertising the mobile home park upon which it is located may be erected provided that no portion of the sign or its supports shall be within the required front yard area. Such sign may be double faced, and may be lighted if lighting is arranged in such manner that it will not distract or temporarily blind a motorist on the adjacent public street. The maximum area of the sign, including any border around it, shall be not more than one square foot for each lineal foot of frontage of the mobile home park or 100 square feet, whichever is least. The maximum height of the sign shall not exceed 25 feet above ground.
- b. Directional signs as approved necessary by the Commission to assist in guiding persons to various locations within the park. Such signs may be double faced and lighted. The maximum area of each sign shall not exceed two square feet.

Section 15.5 Prohibited Uses

Within a mobile home park only those uses specifically listed as permitted uses shall be authorized, and all other uses including but not necessarily limited to the following shall be prohibited:

1. Boats and recreational vehicles of any type, except those owned by the occupants of the park and stored in the area within the park designed and intended as a common storage area for such vehicles.
2. Repair and/or sale of vehicles of any type, including mobile homes, except for the repair or sale of an individual vehicle by the owner or occupant thereof.
3. Buildings or permanent type structures for uses other than those listed as permitted uses.
4. Any advertising sign other than that listed as a permitted use.

ARTICLE 16: SPECIAL PROVISIONS

Section 16.0 Performance Standards

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition unless the following performance standards are observed:

1. Fire Hazards: Any activity involving the use of flammable or explosive materials shall be protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.
2. Radioactivity or Electrical Disturbance: No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
3. Noise: Noise which is objectionable as determined by the Board due to volume, frequency or beat shall be muffled or otherwise controlled, except during construction operations. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
4. Vibration: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
5. Smoke: Smoke shall be controlled as much as economically possible as determined by the Township Trustees.
6. Odors: No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
7. Air Pollution: No pollution of air by fly ash, dust, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property or which can cause soiling.
8. Glare: No director or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.
9. Erosion: No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
10. Water Pollution: the State Sanitary Water Board shall subject to the requirements and regulations establish Pollution of water.
11. Parking and Storage of Certain Vehicles: Automotive vehicles, semi trailers, or trailers of any kind or type without current license plates and registration shall not be parked or stored on any property other than in completely enclosed buildings, unless property is zoned for business and holds a current auto sales license. However, one boat and/or one travel trailer may be stored in the rear yard if the vehicles have a current license and registration. Said boat or travel trailer shall be under the ownership of the current resident of the property.

Section 16.1 Enforcement Provisions

All uses existing on the effective date of this resolution shall conform to these performance requirements within two years, provided, that an extension of up to six months may be granted by the Board. The Board may grant extensions if the owner or operator of the use can demonstrate that compliance would create an unreasonable hardship.

The zoning inspector shall refer any proposed use, which is likely to violate performance requirements to the Board of Trustees.

ARTICLE 17: OFF-STREET PARKING AND LOADING REGULATIONS

Section 17.0 Off-Street Parking

Surfaced off-street automobile parking shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or alley. For purposes of computing gross off-street parking area required, the ratio of 250 square feet per parking space shall be used.

Section 17.1 Number of Parking Spaces Required

The number of off-street parking spaces required shall be as set forth in the following:

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
Automobile or machinery sales and service garages	One for each 600 square feet of floor area
Banks, business, and professional offices	One for each 400 square feet of floor area
Bowling alleys	Seven for each alley
Churches and schools	One for each five seats in an auditorium, or one for each 12-classroom seats; whichever is greater.
Dance halls and assembly halls without fixed rooms in conjunction with auditoriums	One for each 100 square feet of floor area used seats, exhibition halls except church assembly for assembly or dancing
Dwellings	Two for each family or dwelling unit
Funeral homes, mortuaries	Four for each parlor for each 50 square feet of floor area
Furniture and appliance stores, household equipment or furniture repair shops over 1,000 square feet of floor area	One for each 400 square feet of floor area
Hospitals	One for each bed
Hotels, lodging houses	One for each bedroom
Libraries, museums, or art galleries	One for each 250 square feet of floor area
Manufacturing plants, research or testing testing laboratories, bottling plants, over 1,000 square feet in area	One for each three employees in the maximum working shift, or 1,200 square feet of floor area, whichever is greater
Medical or dental clinics	One for each 200 square feet of floor area
Motel and motor hotels	One for each living or sleeping unit
Restaurants, beer parlors and nightclubs, of over 1,000 square feet in area.	One for each 200 square feet of floor area

Retail stores, shops, etc., of over 2,000 square feet of floor area	One for each 150 square feet of floor area
Sanitariums, convalescent homes, children's homes	One for each two beds
Sports arenas, auditoriums, theaters, assembly halls, other than schools	One for each four seats
Wholesale establishments or warehouses	One for each three employees on maximum shift or for each 3,000 square feet of floor area

Section 17.2 Development and Maintenance of Parking Areas

Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be developed and maintained in accordance with the following requirements:

1. Screening and Landscaping: Off-street parking areas for more than five vehicles shall be effectively screened on each side which adjoins premises situated in any R-District by a masonry wall or solid fence of acceptable design. Such wall or fence shall be between four and six feet in height and shall be maintained in good condition. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 15 feet in width planted with an evergreen hedge, or dense planting of evergreen shrubs not less than four feet in height.
2. Surfacing: Any off-street parking area for more than five vehicles shall be graded for proper drainage and surfaced with a durable hard surface, such as concrete or asphaltic concrete.
3. Lighting: Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any R-District.
4. Joint Use of Parking Areas: Parking spaces may be located on a lot other than that containing the principal use with approval of the Board provided a written agreement, approved by the Board and accepted by the Board of Township Trustees shall be filed with the application for a zoning permit.
5. Parking Areas - Modifications: The Board may authorize on appeal a modification, reduction, or waiver of the foregoing requirements, if it should find that, in the particular case appealed the peculiar nature of the residential, business, trade, industrial or other use, or in the exceptional shape or size of the property or other exceptional situation or condition, would justify such action. The Board shall take no action unless and until it has first received the recommendation of the Zoning Commission regarding the appeal.

Section 17.3 Off-Street Loading

In any district, in connection with every building or part thereof erected and having a gross floor area of 5,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space, plus one additional such loading space for each 10,000 square feet or major fraction thereof, of gross floor area so used in excess of 10,000 square feet.

Section 17.4 Loading Space - Dimensions

Each loading space shall be not less than ten feet in width, 25 feet in length, and 14 feet in height.

Section 17.5 Loading Space - Occupy Yard

Subject to the limitations of Section 17.6, such may occupy all or any part of any required yard.

Section 17.6 Loading Space - Distance From R-District

No space shall be closer than 50 feet to any other lot located in any R-District, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted solid board fence not less than six feet in height.

ARTICLE 18: SIGNS AND OUTDOOR ADVERTISING STRUCTURES

Section 18.0 General Provisions

1. Real estate signs not exceeding 12 square feet in area and advertising the sale, rental, or lease of the premises on which the sign is located shall be permitted on the property.
2. Announcement or professional signs for home occupations and professional activities where permitted shall not exceed four square feet in area, and shall be permitted in any district. Such a sign requires no zoning certificate.
3. Bulletin boards and signs for a church, school, community, public, or semi-public institutional building and permitted conditional uses shall be permitted provided the area of such bulletin board or sign shall not exceed 20 square feet in area.
4. Wall signs pertaining to a nonconforming use shall be permitted if on the same premises of such use, provided the area of such sign does not exceed 20 square feet.
5. Walls of existing or new buildings not adjacent to or in residential districts may be used for advertising signs.
6. Temporary signs not exceeding in the aggregate 50 square feet, announcing the erection of a building, the architect, the builders, the contractors, etc., may be erected for the period of 60 days, plus the construction period not to exceed one year after date of issuance of permit after which the sign shall be removed from the premises.

Section 18.1 Business and Manufacturing District Signs

1. In a business or manufacturing district each business or manufacturing use shall be permitted on flat or wall sign. Projections of wall signs shall not exceed two feet measured from the face of the main wall of the building.
2. The area of all permanent advertising signs for any single enterprise shall not exceed a maximum area of 100 square feet per side.
3. Free standing signs not over 25 feet in height, having a maximum total sign area of 100 square feet per side and conforming to all set back requirements for the district in which they are erected shall be permitted.
4. Pole signs of symbolical design shall be permitted for automobile service stations and other similar business establishments, provided:
 - a. No part of such sign shall project into the right-of-way of any street or highway.
 - b. The support of such sign shall conform to the set back requirements for the district in which they are erected.
 - c. The maximum area of any face of such sign shall not exceed 100 square feet.

Section 18.2 Setback Requirements

Signs, where permitted, shall be set back from the established right-of-way line of any street or highway at least as far as the required minimum front yard depth for a principal use in such district except for the following modifications:

1. At the intersection of any street or federal highway with a major or secondary street, the set back of any sign shall not be less than 150 feet from the established right-of-way of each highway or street, and in no case less than the minimum set back required-building or business.
2. Real estate signs and bulletin boards for a church, school, or other public or semi-public, religious or educational institution may be erected within ten feet of the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility.

Section 18.3 Non-Accessory Signs

Total display area shall not exceed 1,200 square feet. Set back requirements shall be set back from the established right-of-way line of any street or highway at least as far as the required minimum front yard depth for a principal use in such district and shall conform with the side and rear lot requirements for said district and subject to the following modifications:

1. All advertising devices erected and maintained to be viewed from a highway on the Interstate and Federal Aid Primary Systems shall conform to all regulations of the State of Ohio, Department of Highway's regulations governing advertising adjacent to highways on the interstate and primary systems.
2. All advertising devices shall be controlled according to Sections 5516.01 to 5516.13, inclusive, of the Ohio Revised Code.

Section 18.4 Surety Bond

The owner or person in control of a display sign suspended over a street or extending into a street more than one foot beyond the building line, whether permanent or temporary, shall execute a bond as required.

Section 18.5 Fees

Fees shall be subject to the provisions of Section 25.6 of this resolution.

ARTICLE 19: EXTRACTION OF MINERALS

Section 19.0 General Requirements

Any owner, lessee, or other person, firm, or corporation having an interest in mineral lands in any C-1 and AG Districts may file with the Board of Zoning Appeals an application for authorization to mine minerals there from, provided however, that he shall comply with all requirements of the district in which said property is located, and with the following additional requirements:

1. Distance From Property Lines: No quarrying operation shall be carried on or any stock pile placed closer than 50 feet to any property line unless a greater distance is specified by the Board of Zoning Appeals where such is deemed necessary for the protection of adjacent property, provided that this distance requirement may be reduced to 25 feet by written consent of the owner or owners of the abutting property.
2. Distance From Public Right-of-Way: In the event that the site of the mining or quarrying operations is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than 25 feet to the nearest line of such right-of-way.
3. Fencing: Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board of Zoning Appeals such fencing is necessary for the protection of the public safety, and shall be of a type specified by the Board of Zoning Appeals.
4. Equipment: All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment.
5. Processing: The crushing, washing, and refining or other similar processing may be authorized by the Board of Zoning Appeals as an accessory use, provided however, that such accessory processing shall not be in conflict with the use regulations or the district in which the operation is located.

Section 19.1 Applicant - Financial Ability

In accepting such plan for review, the Board of Zoning Appeals must be satisfied that the proponents are financially able to carry out the proposed mining operation in accordance with the plans and specifications submitted.

Section 19.2 Application - Contents, Procedure

An application for such operation shall set forth the following information:

1. Name of the owner or owners of land from which removal is to be made.
2. Name of applicant making request for such permit.
3. Name of the person or corporation conducting the actual removal operation.
4. Location, description, and size of the area from which removal is to be made.
5. Location of processing plant used.
6. Type of resources or materials to be removed.
7. Proposed method of removal and whether or not blasting or other use of explosives will be required.
8. Description of equipment to be used.
9. Method of rehabilitation and reclamation of the mined area.

Section 19.3 Public Hearing

Upon receipt of such application, the Board of Zoning Appeals shall set the matter for a public hearing following the procedures as shown in Article 26.

Section 19.4 Rehabilitation

To guarantee the restoration, rehabilitation, and reclamation of mined-out area, every applicant granted a mining permit as herein provided, shall furnish a performance bond running to the township in an amount of not less than \$1,000, and not more than \$10,000 as a guarantee that such applicant, in restoring, reclaiming, and rehabilitating such land, shall within a reasonable time and to the satisfaction of the Board of Zoning Appeals meet the following minimum requirements:

1. Surface Rehabilitation: All excavation shall be made either to a water producing depth, such depth to be not less than five feet below the low water mark, or shall be graded or backfilled with non-noxious, noninflammable, and noncombustible solids, or secure:
 - a. That the excavated area shall not collect and permit to remain therein-stagnant water.
 - b. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof-so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
2. Vegetation: Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as hereinabove provided.
3. Banks of Excavations not Backfilled: The banks of all excavations not backfilled shall be sloped to the water line at a foot vertical, shall not be less than three feet horizontal to one foot vertical and said bank shall be seeded.

Section 19.5 Additional Requirements

In addition to the foregoing, the Board of Zoning Appeals may impose such other conditions, requirements, or limitations concerning the nature, extent of the use and operation of such mines, quarries, or gravel pits as the Board of Zoning Appeals may deem necessary for the protection of adjacent properties and the public interest. The Board of Zoning Appeals prior to issuance of the permit shall determine the said conditions and the amount of the performance bond.

Section 19.6 Gas and Oil Wells

In any and all districts of the township, a well may be drilled for the exploration for or production of natural oil or gas only after or when the following conditions have been complied with:

1. Compliance with all applicable laws of the State of Ohio.
2. No tanks or reservoirs erected or intended for the storage of petroleum products shall be located within 50 feet of any public right-of-way or within 100 feet of a residential lot line.

ARTICLE 20: AUTOMOBILE SERVICE STATIONS, PARKING GARAGES, AND PARKING AREAS

Section 20.0 Entrance - Distance Requirements

No automobile service or filling station, parking area for 25 or more passenger motor vehicles, trucks, or buses, or parking garage or automobile repair shop, shall have an entrance or exit for vehicles within 200 feet along the same side of a street of any school, public playground, the entrance to a public park, cemetery, monastery, church, hospital, public library, or institution for dependents, or for children, except where such property is in another block or on another street which the lot in question does not abut.

Section 20.1 Oil Draining, Etc.

No automobile service station or public garage shall be permitted where any oil draining pit, hydraulic hoists, lubrication and greasing devices, repair equipment, and similar appurtenances, other than filling caps, are located within 12 feet of any street lot line or within 25 feet of any R-District, except where such appurtenances are within a building.

Section 20.2 Automobile Service Station - Enclosure

Except in integrated shopping centers and in M-Districts, no automobile service station shall be erected or constructed, and no alteration or improvement shall be made to any existing nonconforming service station, unless the premises upon which such station is, or is intended to be located shall be enclosed in the rear and on the sides by a solid masonry wall not less than six feet high. The first ten-foot section of such wall, measured from the street right-of-way line, may be stepped down to two feet at said right-of-way line, following a pattern of appropriate design.

ARTICLE 21: SWIMMING POOLS

Section 21.0 General Provisions

1. **Private Swimming Pools:** A private swimming pool, but not including farm ponds, as regulated herein, shall be any pool, lake, or open tank not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half (1 1/2) feet. No such swimming pool, exclusive of portable swimming pools with a diameter less than 12 feet or with an area of less than 100 square feet, shall be allowed in any "AG," or "R" District except as an accessory use and unless it complies with the following conditions and requirements:
 - a. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal building of the property on which it is located and their guests.
 - b. The pool may be located anywhere on the premises except in required front yards, provided it shall not be located closer than 15 feet to any property line on which located.
2. **Community or Club Swimming Pools:** A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club for use and enjoyment by members and their families. Such swimming pools shall comply with the following:
 - a. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
 - b. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than 100 feet to any property line of the property on which located.
 - c. The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six feet in height and maintained in good condition. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees, and maintained in good condition.

ARTICLE 22: MOTELS AND MOTOR HOTELS

Section 22.0 General Requirements

The following requirements shall be complied with:

1. Area and Yard Requirements: Motels and motor hotels shall comply with all area and yard requirements prescribed for such uses in the district in which located.
2. Parking: All areas used for automobile access and parking shall comply with the applicable provisions of this resolution.
3. Entrance: No vehicular entrance to or exit from any motel or motor hotel, wherever such may be located, shall be within 200 feet along streets from any school, public playground, church, hospital, library, or institution for dependents or for children, except where such property is in another block or another street which the premises in question do not abut.
4. Landscaping - Unused Areas: All areas not used for access, parking circulation, buildings, and service, shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than ten feet in width, shall be established and maintained along its exterior boundaries when adjoining any C-1, AG, or R-District.
5. Enclosure: Motels or motor hotels shall be enclosed on the sides and in the rear by appropriate privacy fences, not less than six feet high, or by a combination of landscaped screens and other suitable fences acceptable to the Commission.
6. Enlargement - Permit: Any enlargement or extension to any existing motel or motor hotel shall require application for a zoning certificate, as if it were a new establishment.
7. Enlargement - Existing Facilities to Comply: No enlargements or extensions to any motel or motor hotel shall be permitted unless the existing facility is made to conform substantially with all the requirements for new construction for such an establishment.

ARTICLE 23: PLANNED UNIT DEVELOPMENT

Section 23.0 Purpose

The township officials concerned with property development shall take into account that it is increasingly difficult to forecast the various conditions and factors that may be encountered in sizable developments, and that certain latitude, flexibility, and freedom in the execution of the design and layout of a project should be suggested or otherwise permitted by the township so as to encourage and provide amenities which are unique to the community.

Section 23.1 General

Planning unit developments may be commercial or industrial developments, or they may be a combination of the two. The minimum site area for a commercial development shall be five acres, and for an industrial development, 30 acres. If a combination of uses is proposed, a minimum area shall be 40 acres. In combination developments, the amount of land devoted to commercial usage shall not exceed 12 1/2 percent of the total land area of the development.

Section 23.2 Submittal to Township Trustees

Such a development plan shall be submitted to the trustees and shall be referred to the Commission for study and report and for public hearings. Notice and publication of such public hearings shall conform to the procedures prescribed in Article 27 for hearings on charges and amendments.

Section 23.3 Required Plans and Actions by the Commission

1. In order for the Commission to better determine that the planned unit development meets all requirements, the developer shall furnish a preliminary plan for the entire tract showing topography, roads, lot lines, lot areas, easements, encumbrances, and other relevant data. The plans shall include the location of existing structures, areas of shrubs and/or trees of ten-inch diameter or more, existing contours and the proposed grading plan.
2. Upon determination by the Commission that the proposed planned unit development project as shown by the preliminary plan conforms to the requirements of all applicable provisions of this resolution, the proponent shall prepare and submit a final development plan, and such plan shall incorporate any changes or modifications required by the Commission.
3. Upon approval by the Commission, the plans shall be submitted to the Trustees for consideration and action. The approval and recommendations of the Commission shall be based on the following general conditions:
 - a. The plan is consistent with the intent and purpose of this resolution to promote public health, safety, morals, and general welfare.
 - b. The use of the land shall be similar to the uses permitted in the district in which the plan is located.

Section 23.4 Acceptance by Action by the Township Trustees

1. Following a public hearing, the Trustees may modify the plan, consistent with the intent and meaning of this resolution, and may rezone the property to the classification permitting the proposal, for development in substantial conformity with the final plan as approved by the Trustees.
2. After the final development plan has been approved by the Trustees and in carrying out this plan, adjustment or rearrangements of buildings, parking areas, entrances, heights, or yards may be requested by the proponents, and provided such requests conform to the standards established by the final development plan and this resolution, such adjustments or rearrangements may be authorized by the Commission.
3. Planned unit developments shall be encouraged, but they shall conform to the regulations of this resolution or to the following modifications of the regulations found elsewhere in this resolution.

Section 23.5 Commercial Planned Unit Developments

In B-Districts, a planned unit development may be permitted in accordance with the following provisions if the Commission is satisfied (1) that the proponents of the development are financially able to carry out the proposed project, (2) that they intend to start construction within one year of the approval of the project and necessary change in zoning, (3) that they intend to complete it within a reasonable time as determined by the Commission, and (4) that the need for the proposed development has been demonstrated by means of market studies and such other evidence as the Commission may require.

1. Commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. In planning these groups of buildings or establishments, no yard space will be required between uses within the groups; however, the yard requirements must be observed at the edge of the complete development. Planting screens or fences as provided elsewhere in this resolution shall be required.
2. Off-street parking and loading requirements shall be observed as required. Group parking facilities shall provide spaces equal to the number of spaces required for each use to be developed.
3. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the developer as well as from the standpoint of the adjoining and surrounding existing or potential developments.
4. The ground area occupied by all the buildings shall not exceed in the aggregate 24 percent of the total area of the lot or tract.

Section 23.6 Industrial Planned Unit Development

In M-Districts, a planned unit development may be permitted as follows:

1. Industrial uses and parcels shall be developed in park-like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas, docks, and/or outdoor storage of raw materials or products. A planned industrial area shall provide for the harmony of buildings and a compact grouping or groupings in order to economize in the provision of such utility services as are required. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order that those thoroughfares, which are constructed, may be built to the highest possible standards.
2. Certain types of commercial uses, such as a restaurant, central secretarial or stenographic pool, or other business service type uses, repair services, or clinics may form a small commercial center to serve the needs of the industries of their personnel, may be permitted in a planned industrial area.
3. Off-street parking and loading areas shall conform to the provisions of this resolution and all screening requirements shall be observed.
4. Yards: No building shall be less than 75 feet distant from any boundary of the tract on which the office, research, or industrial development is located. All intervening spaces between the street pavement and the right-of-way line and intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

ARTICLE 24: EXCEPTIONS AND MODIFICATIONS

Section 24.0 Lot of Record

When a lot which is an official lot of record at the time of adoption of this resolution does not comply with the area, yard, or other requirements of this resolution, such lot may be used as a building site provided, however, that the yard and other requirements of the district are complied with as closely as possible in the opinion of the zoning inspector.

Section 24.1 Exception to Yard Requirements

1. Allowable Projections of Residential Structures Into Yards: Any structure may project into the required front yard if existing structures on both adjacent lots in the same district have less than the required minimum front yard, provided, however, that such projection shall extend no closer to the street than either of the adjacent structures. Architectural features of residential buildings such as window sills, cornices, roof overhangs, may project into the requirements provided such projection is not more than four feet and does not reach closer than four feet to any lot line.
2. Allowable Projections of Business Structures Over Sidewalk: Signs, awnings, canopies, marquees, are permitted to overhang the sidewalk in the B-District only, providing that overhanging signs are a minimum of eight feet above the sidewalk at any point and that all other structures are a minimum of six feet eight inches above the sidewalk at any point.
3. Allowable Projection of Accessory Building Into Rear Yard: One-story accessory buildings may project into only rear yards abutting in an alley providing such projection extends not closer than five feet to the rear lot line.

Section 24.2 Exceptions to Height Limits

The height limitations of this resolution shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, transmission towers, chimneys, smoke stacks, derricks, conveyors, flagpoles, radio towers, masts, and aerials.

ARTICLE 25: ENFORCEMENT

Section 25.0 Enforcement by Zoning Inspector

There is hereby established the office of zoning inspector. It shall be the duty of the zoning inspector to enforce this resolution in accordance with the administrative provisions of this resolution.

All departments, officials, and public employees of the township vested with the duty or authority to issue permits and licenses shall conform with the provisions of this resolution and shall issue no permit or license for any use, building, or purpose in conflict with the provisions of this resolution. Any permit or license issued in conflict with the provisions of this resolution shall be null and void.

An appeal from the decision of the zoning inspector may be made to the Board of Zoning Appeals as provided in Article 26.

Section 25.1 Zoning Certificates

It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning certificate shall have been issued by the zoning inspector. It shall be the duty of the zoning inspector to issue a certificate, provided he is satisfied that the structure, building or premises, and the proposed use thereof conforms with all the requirements of this resolution. The zoning inspector shall issue no permit for excavation, construction, or reconstruction unless the plans, specifications and the intended use conform to the provisions of this resolution.

Upon written request from the owner or tenant, the zoning inspector shall issue a zoning certificate for any building or premises existing at the time of enactment of this resolution certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this resolution.

Section 25.2 Conditions Under Which Certificates are Required

A zoning certificate shall be required for any of the following, except as herein provided:

1. Construction or structural alteration of any building, including accessory buildings.
2. Change in use of an existing building or accessory building to a use of a different classification.
3. Occupancy and use of vacant land.
4. Change in the use of land to a use of a different classification.
5. Any change in the use of a nonconforming use.

Section 25.3 Application and Issuance of Zoning Certificates

The following shall apply in the application and issuance of zoning certificates:

1. Written application shall be made for a zoning certificate for the construction of a new building or the alteration of an existing building. Said certificate shall be issued within 30 days after a written request for the same has been made to the zoning inspector or his agent, provided such construction or alteration is in conformity with the provisions of this resolution.
2. Written application for a zoning certificate for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the zoning inspector. If the proposed use is in conformity with the provisions of this resolution, the certificate therefore shall be issued within 30 days after the application has been made.
3. Every application for a zoning certificate shall be accompanied by a plot plan in duplicate, and such other plans as may be necessary to show the location and type of buildings to be erected or alterations to be made. Where construction or physical improvement of the land is involved, the lot and location of the buildings to be erected thereon shall be staked out on the ground

before construction is started, and all dimensions shown on filed plans shall be based on an actual survey.

4. Failure to notify the applicant in case of such refusal within the said 30 days shall entitle the applicant to a zoning certificate unless the applicant consents to an extension of time.

Section 25.4 General Provisions

1. Each plan shall show:
 - a. The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
 - b. The name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting properties.
 - c. The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.
 - d. The location and size of the proposed structure, and/or the proposed enlargement of the existing structure.
 - e. Any other information, which in the judgment of the zoning inspector may be necessary to provide for the enforcement of this resolution.
2. Each plan shall bear statements declaring:
 - a. That no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure.
 - b. Which abutting land was formerly that of the owner of the land involved in the application, and, if any, the approximate date of title transfer.
3. Where complete and accurate information is not readily available from existing records, the zoning inspector may require the applicant to furnish a survey of the lot by a registered engineer or surveyor.
4. Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.
5. A file of such applications and plans shall be kept in the office of the zoning inspector.
6. The zoning inspector shall not issue a zoning certificate for any application requiring site review by the Zoning Commission, such as:
 - a. Motel and Motor Hotels - Article 22.
 - b. Extraction of Minerals - Article 19.
 - c. Planned Unit Developments - Article 23.

Section 25.5 Certificate of Occupancy

No land or building or part thereof hereafter erected or changed in its use or structure shall be used until the zoning inspector shall have issued a Certificate of Occupancy indicating that such land, building, or part thereof, and the proposed use thereof are found to be in conformity with the provisions of this resolution.

Within five days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the zoning inspector to make a final inspection thereof and to issue a Certificate of Occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the provisions of this resolution, or if such certificate is refused, to state refusal in writing, with the cause, and immediately forward such notice of refusal to the applicant.

Section 25.6 Fees

Fees shall be charged in accordance with the orders and directions of the Township Trustees.

Section 25.7 Violations and Penalties

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of the provisions of this resolution or any amendment or supplement thereto adopted by the Township Trustees. Any person, firm, or corporation violating any of the provisions of this resolution or any amendment or supplement thereto shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500. Each and every day

during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.

Section 25.8 Violations - Remedies

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of this resolution or any amendment or supplement thereto, the township trustees, the county prosecutor, the zoning inspector, or any adjacent neighboring property owner who would be specially damaged by such violation may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

ARTICLE 26: BOARD OF ZONING APPEALS

Section 26.1 Board of Zoning Appeals Created

A Board of Zoning Appeals is hereby created, which shall consist of five members to be appointed by the Board of Township Trustees each for a term of five years, except that the initial appointments shall be one member each for one, two, three, four, and five-year terms. Each member shall be a resident of McKean Township. Members of the Board may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Board of Township Trustees for the un-expired term of the member affected.

Section 26.2 Proceedings of the Board of Zoning Appeals

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this resolution. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board. Any action of the Board shall require at least three (3) members present.

Section 26.3 Duties of the Board of Zoning Appeals

In exercising its duties, the Board may, as along as such action is in conformity with the terms of this resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the zoning inspector from whom the appeal is taken. For the purpose of this resolution, the Board has the following specific responsibilities.

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the zoning inspector.
2. To authorize such variances from the terms of this resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this resolution will result in unnecessary hardship, and so that the spirit of this resolution shall be observed and substantial justice done.
3. To grant conditional use permits as specified in the regulations and to require such additional safeguards as will uphold the intent of this resolution.

Section 26.4 Duties on Matters of Appeal

It is the intent of this resolution that all questions of interpretation and enforcement shall be first presented to the zoning inspector, and that such questions shall be presented to the Board only on appeal from the decision of the zoning inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this resolution that the duties of the Board of Township Trustees in connection with this resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this resolution. Under this resolution the Board of Township Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this resolution as provided by law, and of establishing a schedule of fees and charges. Nothing in this resolution shall be interpreted to prevent any official of the township from appealing a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten days of the Board's written decision.

Section 26.5 Procedure and Requirements for Appeals and Variances

Appeals and variances shall conform to the procedures and requirements of Sections 26.6 through 26.14, inclusive, of this resolution. As specified in Section 26.3, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

Section 26.6 Appeals

Any officer or bureau of the legislative authority of the township affected by any decision of the zoning inspector may take by any person aggrieved or appeals to the Board of Zoning Appeals concerning interpretation or administration of this resolution. Such appeal shall be taken within 20 days after the decision by filing with the zoning inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The zoning inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

Section 26.7 Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the zoning inspector from whom the appeal is taken on due cause shown.

Section 26.8 Variances

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this resolution would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this resolution would result in unnecessary hardship.

Section 26.9 Application and Standards for Variances

A variance from the terms of this resolution shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the zoning inspector and the Board of Zoning Appeals containing:

1. Name, address, and phone number of applicants.
2. Legal description of property.
3. Description of nature of variance requested.
4. A narrative statement demonstrating that the requested variance conforms to the following standards:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - b. That a literal interpretation of the provisions of this resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this resolution.
 - c. That special conditions and circumstances do not result from the actions of the applicant.
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this resolution to other lands, structures, or buildings in the same district.

A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by Subsection (d) of this section have been met by the applicant.

Section 26.10 Supplementary Conditions and Safeguards

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this resolution in the district involved, or any use expressly or by implication prohibited by the terms of this resolution in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this resolution and punishable under Section 2507 of this resolution.

Section 26.11 Public Hearing by the Board of Zoning Appeals

The Board of Zoning Appeals shall hold a public hearing within 20 days after the receipt of an application for an appeal or variance from the zoning inspector or an applicant.

Section 26.12 Notice of Public Hearing in Newspaper

Before holding the public hearing required in Section 26.11, notice of such hearing shall be given in one or more newspapers of general circulation of the township at least ten days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

Section 26.13 Notice to Parties in Interest

Before holding the public hearing required in Section 26.11, written notice of such hearing shall be mailed by the chairman of the Board of Zoning Appeals, by first class mail, at least ten days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 26.12.

Section 26.14 Action by Board of Zoning Appeals

Within 30 days after the public hearing required in Section 26.11, the Board of Zoning Appeals shall approve, approve with supplementary conditions as specified in Section 26.10, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. Appeals from Board decisions shall be made in the manner specified in Section 26.04.

Section 26.15 Procedure and Requirements for Approval of Conditional Use Permits

Conditional uses shall conform to the procedures and requirements of Sections 26.16 through 26.22, inclusive of this resolution.

Section 26.16 General

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of the district regulations, shall follow the procedures and requirements set forth in Sections 26.17 through 26.22, inclusive.

Section 26.17 Contents of Application for Conditional Use Permit

At least one owner or lessee of property for which such conditional use is proposed shall file an application for conditional use permit with the chairman of the Board of Zoning Appeals. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant.
2. Legal description of property.
3. Description of existing use.
4. Zoning district.
5. Description of proposed conditional use.
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking, and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this resolution.
7. A narrative statement evaluating the effects on adjoining property, the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property, a discussion of the general compatibility with adjacent and other properties in the district, and the relationship of the proposed use to the comprehensive plan.

Section 26.18 General Standards Applicable to all Conditional Uses

The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards in addition to all other requirements and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of the district regulations for the zoning district involved.
2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the regional comprehensive plan and/or the zoning resolution.
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons of agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, no noise, smoke, fumes, glare, or odors.
8. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Section 26.19 Supplementary Conditions and Safeguards, Violations

Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this resolution and punishable under Section 25.7 of this resolution.

Section 26.20 Procedure for Hearing, Notice

Upon receipt of the application for a conditional use permit specified in Section 26.17, the Board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Sections 26.11 through 26.13.

Section 26.21 Action by the Board of Zoning Appeals

Within 30 days after the public hearing required in Section 26.20, the Board shall either approve, approve with supplementary conditions as specified in Section 26.19, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the zoning inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the Board the applicant disapproves the application may seek relief through the Court of Common Pleas. Appeals from Board decision shall be made in the manner specified in Section 26.4.

Section 26.22 Expiration of Conditional Use Permit

A conditional use permit shall be deemed to authorize only one conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than two years.

ARTICLE 27: AMENDMENTS

Section 27.0 Procedures For Amendments Or District Changes

Utilizing the procedures specified in Sections 27.1-27.14, inclusive, of this resolution, may amend this resolution.

Section 27.1 General

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Board of Township Trustees may by resolution after receipt of recommendation thereon from the Zoning Commission, the subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

Section 27.2 Initiation of Zoning Amendments

Amendments to this resolution may be initiated in one of the following ways:

1. By adoption of a motion by the Zoning Commission.
2. By adoption of a resolution by the Board of Township Trustees.
3. By the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by said amendment.

Section 27.3 Contents of Application

Applications for amendments to the Official Zoning Map adopted as part of this resolution shall contain at least the following information:

1. Name, address, and phone number of applicant.
2. Proposed amended resolution.
3. Present use.
4. Present zoning district.
5. Proposed use.
6. Proposed zoning district.
7. A vicinity map at a scale of one inch equals 100 feet or approved by the Zoning Commission showing property lines, thoroughfares, existing proposed zoning, and such other items as the Zoning Commission may require.
8. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten parcels are to be rezoned.
9. A statement on how the proposed amendment relates to the comprehensive plan.
10. A fee as established by the Board of Township Trustees according to Sections 27.13 and 25.6.

Applications for amendments proposing to amend, supplement, change, or repeal portions of this resolution other than the Official Zoning Map shall include Items 1, 2, 9, and 10 listed above.

Section 27.4 Transmittal to Zoning Commission

Immediately after the adoption for a resolution by the Board of Township Trustees or the filing of an application by at least one owner or lessee of property, said resolution or application shall be transmitted to the township Zoning Commission.

Section 27.5 Submission to County Planning Commission

Within five days after the adoption of a motion by the Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by at least one owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map pertaining to the case in question to the Licking County Planning Commission. The Licking County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

Section 27.6 Submission to Director of Transportation

Before any zoning amendment is approved affecting any land within 300 feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of Transportation. The Zoning Commission may proceed as required by law, however, the Board of Township Trustees shall not approve the amendment for 120 days from the date the notice is received by the Director of Transportation notifies the Board of Township Trustees that he shall proceed to acquire any land needed, then the Board of Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon the expiration of the 120-day period or any extension thereof agreed upon the Director of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

Section 27.7 Public Hearing by Zoning Commission

The Zoning Commission shall schedule a public hearing after the adoption of their motion, transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be not less than 20 or more than 40 days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

Section 27.8 Notice of Public Hearing in Newspaper

Before holding the public hearing as required in Section 27.7, notice of such hearing shall be given by the Zoning Commission by at least one publication in one or more newspapers of general circulation of the township at least 20 days before the date of said hearing:

1. If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land, as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:
 - a. The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment.
 - b. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.
 - c. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least 15 days prior to the public hearing.
 - d. The name of the person responsible for giving notice of the public hearing by publication.
 - e. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.
 - f. Any other information requested by the Zoning Commission.
2. If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the County Auditor's current tax list, the published shall set forth the time, date, and place of the public hearing, and shall include all of the following:
 - a. The name of the Zoning Commission that will be conducting the public hearing.
 - b. A statement indicating that the motion, resolution, or application is an amendment to the

- zoning resolution.
- c. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and the names of owners of these properties, as they appear on the County Auditor's current tax list.
 - d. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property.
 - e. The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least 15 days prior to the public hearing.
 - f. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail.
 - g. Any other information requested by the Zoning Commission.
 - h. A statement that after the conclusion of such hearing, the matter will be submitted to the Board for its action.

Section 27.9 Notice to Property Owners by Zoning Commission

If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least 20 days before the date of the public hearing to all owners of property within, contiguous to, and directly across the thoroughfare from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 27.8.

Section 27.10 Recommendation by Zoning Commission

Within 30 days after the public hearing required in Section 27.7, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be not granted.

Section 27.11 Public Hearing by Board of Township Trustees

Within 30 days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. The Board of Township Trustees as specified in Sections 27.8 and 27.9 shall give notice of such public hearing in a newspaper.

Section 27.12 Action by Board of Township Trustees

Within 20 days after the public hearing required by Section 27.11, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the unanimous vote of the Board of Township Trustees is required.

Section 27.13 Effective Date and Referendum

Such amendment adopted by the Board of Township Trustees shall become effective 30 days after the date of such adoption unless within 30 days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than 8 percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

Section 27.14 Fees

Each application for a zoning amendment except those initiated by the Zoning Commission, shall be accompanied by a check or a cash payment sufficient in amount to cover the cost of the publishing, posting, and/or mailing the notices of the hearing or hearing required by the foregoing provisions.

ARTICLE 28: VALIDITY AND REPEAL

Section 28.0 Validity

This resolution and the various parts, articles, and paragraphs thereof are hereby declared to be severable. If any court of competent jurisdiction adjudges any article, section, subsection, paragraph, sentence, or phrase of this resolution unconstitutional or invalid, the remainder of this resolution shall not be affected thereby.

Section 28.1 Authentication

The township clerk of the township is hereby ordered and directed to certify to the passage of this resolution. This resolution shall be in effect and be in force from and after its passage, approval, and publication.

Section 28.2 Repeal

All other resolutions of the township inconsistent herewith and to the extent of such inconsistency and not further, are hereby repealed.

APPENDIX

Agricultural Acknowledgment Form

Disclosure of Agricultural Uses Statement

The property, which you are purchasing, is located within an area zoned for Agricultural Uses. Agricultural Uses include activities which may cause noise and odor during the day and/or night, such as those associated with planting, raising, harvesting, preparing crops for market, and those associated with keeping a variety of animals.

Acknowledgment Certification

I acknowledge having received and read a copy of the Disclosure of Agricultural Uses Statement.

Property Owner

Date

Zoning Permit Number

Adopted: 3/2/98
Effective: 4/1/98